

# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

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March 26, 2009

TO: Internal File

THRU: April Abate, Lead *QAW 6-11-2009*

FROM: Joe Helfrich, Biology, Land Use, Cultural Resources

RE: MRP Update, R645 Reformat, Savage Industries Inc., Savage Coal Terminal, Permit # C/007/0022, Project #3222

### SUMMARY:

On April 9, 2008 the Division received an amendment from Savage Industries Inc. that included a reformat of the Savage Coal Terminal's Mining and Reclamation Plan. On March 2, 2009 the Division received a response to the staff's review of the amendment from Savage Industries Inc. that included a reformat of the Savage Coal Terminal's Mining and Reclamation Plan. This memo will include a review of the Biology, Cultural Resources and Land Use sections of the regulations as they pertain to the revised reformatted application.

### TECHNICAL ANALYSIS:

## GENERAL CONTENTS

### PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

#### **Analysis:**

The information in the application is formatted in accordance with the format, (R 645 Regulations), approved by the Division.

#### **Findings**

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The information in the application is adequate to meet the requirements of this section of the regulations.

## **REPORTING OF TECHNICAL DATA**

Regulatory Reference: 30 CFR 777.13; R645-301-130.

### **Analysis:**

All technical data included in the application is accompanied by the names of the individuals qualified in their fields of expertise to obtain the information.

### **Findings**

The information in the application is adequate to meet the requirements of this section of the regulations.

## **MAPS AND PLANS**

Regulatory Reference: 30 CFR 777.14; R645-301-140.

### **Analysis:**

The reformatted application includes a wetland delineation map, vegetation map, archaeology map and land use map, plates 1 of the wetland evaluation, 3-1, 4-1 and 5-2 respectively. The wildlife map, Plate 10-1 from the existing MRP has been removed from the MRP as it is outdated. The land use information on page 17 of the application indicates that the pre disturbance was primarily small mammal and songbird habitat.

### **Findings**

The information in the application is adequate to meet the requirements of this section of the regulations.

## **ENVIRONMENTAL RESOURCE INFORMATION**

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783. et. Al.

## **HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.12; R645-301-411.

### **Analysis:**

Historic and Archaeological resource information is included in chapter 4 and the confidential binder of the reformatted MRP. The information is reformatted in accordance with the R645 rules. Cultural resource surveys have been completed for the current permit area. No eligible sites have been identified.

### **Findings**

The information in the application is adequate to meet the requirements of this section of the regulations.

## **VEGETATION RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.19; R645-301-320.

### **Analysis:**

Vegetation resource information is included in chapter 3 of the reformatted MRP. The information is reformatted in accordance with the R645 rules. The information includes a description of the vegetative communities within the disturbed and permit areas, vegetation test plots and analysis and wetland delineation for the 13-acre load out expansion.

### **Findings:**

The information in the application is adequate to meet the requirements of this section of the regulations.

## **FISH AND WILDLIFE RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 784.21; R645-301-322.

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**Analysis:**

Fish and wildlife resource information is included in chapter 3 of the application. The information is reformatted in accordance with the R645 rules and includes a description of the wildlife resources within the disturbed and adjacent areas.

**Findings:**

The information in the application is adequate to meet the requirements of this section of the regulations.

**LAND-USE RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.22; R645-301-411.

**Analysis:**

Land use resource information is included in chapter 4 of the reformatted MRP. The information is reformatted in accordance with the R645 rules and includes a description of the land uses prior to, current and post mining associated with the loadout activities.

**Findings:**

The information in the application is adequate to meet the requirements of this section of the regulations.

**OPERATION PLAN**

**PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES**

Regulatory Reference: 30 CFR 784.17; R645-301-411.

**Analysis:**

The reformatted application includes an archaeological survey for the permit area. According to the information in the survey there are no public parks or historic places within the permit area.

**Findings:**

The information in the application is adequate to meet the requirements of this section of the regulations.

## **FISH AND WILDLIFE INFORMATION**

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

### **Analysis:**

The application includes fish and wildlife information that addresses and is formatted in accordance with these sections of the regulations for the protection and enhancement plan, endangered and threatened species, bald and golden eagles and wetlands and habitats of unusually high value for fish and wildlife.

In order to ensure compliance with the Endangered Species act as required by R645-301-332, page 16 of the application includes information for water consumed in acre-feet per year (approximately 29), for the loadout facility that would otherwise contribute to the habitat of the four endangered fish species in the upper Colorado River watershed system. They include the Colorado pike minnow, razorback sucker, humpback chub and the bonytail. These four endangered fish species are included in the Fish and Wildlife Services' Colorado fish recovery program which requires a payment of 15.95 per acre foot for each acre foot up to and including any excess of 100 acre feet of water consumed per year. The information is correctly formatted in accordance with the Utah coal rules. Consultation procedures with the FWS should be completed during the next scheduled midterm.

### **Findings:**

The information in the application is adequate to meet the requirements of this section of the regulations.

## **VEGETATION**

Regulatory Reference: R645-301-330, -301-331, -301-332.

### **Analysis:**

The application includes information about protective measures for vegetation during the operation phase of mining activities that is formatted in accordance with R645-301-330, 331 and 332.

### **Findings:**

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The information in the application is adequate to meet the requirements of this section of the regulations.

## RECLAMATION PLAN

### POSTMINING LAND USES

Regulatory Reference: 30 CFR Sec. 784.15, 784.200, 785.16, 817.133; R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275.

#### Analysis:

The information is reformatted in accordance with the R645 rules and includes a description of the post mining land use for the disturbed area as "*light industrial*", (chapter 4, page 6 section 412.100). Chapter three, page 17, section 330 indicates that the postmining land use would be wildlife habitat for small mammals and songbirds. .

#### Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

### PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES

Regulatory Reference: 30 CFR Sec. 817.97; R645-301-333, -301-342, -301-358.

#### Analysis:

The information is reformatted in accordance with the R645 rules and includes a description of the protection of the fish, wildlife and related environmental values. Section 358 is addressed under section 333 and section 342 is addressed under section 540

#### Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

## **CONTEMPORANEOUS RECLAMATION**

Regulatory Reference: 30 CFR Sec. 785.18, 817.100; R645-301-352, -301-553, -302-280, -302-281, -302-282, -302-283, -302-284.

### **Analysis:**

The information is reformatted in accordance with the R645 rules and includes a description of contemporaneous reclamation measures employed for those areas no longer need for the loadout activities. Additional information is included in section 540.

### **Findings:**

The information in the application is adequate to meet the requirements of this section of the regulations.

## **REVEGETATION**

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

### **Analysis:**

The information is reformatted in accordance with the R645 rules and includes a description of the revegetation measures to be implemented during reclamation. The revegetation measures are described in chapter 5, section 540, and pages 41-49.

### **Findings:**

The information in the application is adequate to meet the requirements of this section of the regulations.

## **RECOMMENDATIONS:**

The application is recommended for approval.